



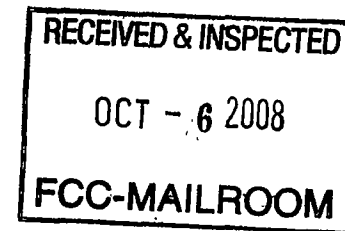
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September 29, 2008

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554



RE: WT Docket No. 08-165; CTIA petition for Declaratory Ruling

Dear Secretary Dortch:

The Aircraft Owners and Pilots Association (AOPA), represents the general aviation interests of more than 414,000 members who operate from more than 5,200 public-use airports and nearly 14,500 privately-owned airports. General aviation accounts for more than 600,000 pilots and 200,000 aircraft currently operating in the United States. On behalf of our membership, AOPA is committed to ensuring the future viability and development of general aviation airports and their facilities as part of a national transportation system.

The purpose of this letter is to share AOPA's concerns that a stopwatch cannot be placed on the safety of the national transportation system contrary to the requested petition filed by CTIA – the Wireless Association to preempt local ordinances and state laws that the petitioner believes violates section 253(a) of the Communications Act, as amended.

Pilots are often directly impacted by the location of cell towers near and around our nation's airports. In addition, many of our nation's airports are owned by city or county municipalities who must provide needed input on the impacts to the local airport operations and structures proposed on and around the airport. Reasonable time is needed to ensure safety is maintained and remains the primary focus of our national transportation infrastructure.

As you know, the Federal Aviation Administration (FAA) regulates airports and the national airspace system. AOPA recognizes that balancing the needs of all airspace users is a formidable task and the complexity and diversity inherent to all aeronautical activities ensures that the FAA isn't always in the best position to evaluate every factor that needs to be assessed in an airspace study. This is why the need for state and local evaluation and authority is critical.

Reasonable Time Needed to Ensure Safety

AOPA agrees with Congress who made it perfectly clear that the time frame for responding to applications for wireless facility sitings is determined by reference to the nature of the application. Section 332(c)(7)(B)(ii) provides that local governments act on

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requests "within a reasonable time period, taking into account the nature of the request." Therefore, even if ambiguity existed in the statute, the FCC would be acting outside its authority by mandating a fixed time period and imposing a remedy for violating that mandate, where Congress clearly intended fluidity. To restrict the timeframe for the entire evaluation and action process when dealing with many different municipalities and local governments would be counter productive to safety.

A perfect example of how a "one size fits all" definition for the term "reasonable" does not work can be found right here at the Frederick Municipal Airport – home base to AOPA. While the airport is owned and managed by the City of Frederick, it is located outside of city limits and within Frederick County. In terms of zoning, any requests for cell towers on airport land would have to be assessed and permitted through both county and city government and requires additional time for coordination with multiple agencies within two different jurisdictions. Many of the nation's airports have similar scenarios and what constitutes a "reasonable amount of time" for one location, will not likely be adequate time for another location to coordinate between multiple local government agencies.

Key Elements of Safety Require Local Assessment and Coordination

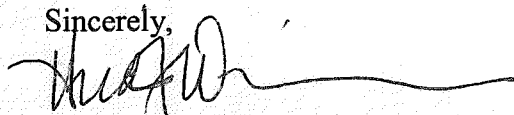
In concert with the FAA, many states have enacted airport zoning regulations to protect the area and airspace around the airport. In many states, those statutes involve ensuring compatibility with local comprehensive land use plans and requiring coordination with multiple local government entities and in some cases, additional time for coordination. In addition, many of our nation's airports are owned by city or county municipalities who must provide needed input on the impacts to the local airport operations and structures proposed on and around the airport.

AOPA suggests that the Commission does not have the authority to issue the declaratory ruling requested by CTIA because it would be contrary to Congress's intentions.

Applying a stopwatch approach to safety is not in the best interests of the aviation or general public and we strongly recommend that the FCC deny CTIA's petition and continue to allow the local zoning authorities to manage local development in their communities and around their airports.

We appreciate the opportunity to comment on the petition and will be happy to provide additional input as needed.

Sincerely,



Heidi J Williams
Senior Director, Airports